

Croft, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORBITAL PUBLISHING GROUP, INC.,
Plaintiff,
-against-
BANK OF AMERICA, N.A.,
Defendant.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9-15-12</u>

11 Civ. 3065 (PAC)

**STIPULATION AND ORDER
ADJOURNING THE INQUEST**

WHEREAS, the court issued an order on April 16, 2012 granting Defendant's motion to dismiss for lack of prosecution and scheduling a hearing to determine damages on the counterclaim, and

WHEREAS, the parties have resolved the action and due to scheduling conflicts are still finalizing a written settlement agreement, and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the inquest scheduled for September 14, 2012 is hereby adjourned to October 22, 2012; - 4:15pm
Defendant's time to file a pre-hearing brief is adjourned from August 24, 2012 to September 24, 2012; Plaintiff's opposition, if any, is adjourned from August 31, 2012 to October 1, 2012; and Defendant's reply is adjourned from September 7, 2012 to October 8, 2012.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be

signed in counterparts and that facsimile copies shall be deemed originals.

Dated: New York, New York
September 13, 2012

LENNON & KLEIN, P.C.

By: 

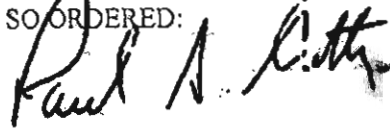
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9-13-12
SO ORDERED:



U.S.D.J.



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September 13, 2012

BY FACSIMILE

Hon. Paul A. Crotty, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
Chambers 735, Courtroom 20-C
New York, New York 10007

Facsimile No.: (212) 805-6304

**Orbital Publishing Group, Inc. v. Bank of America, N.A.
Case No.: 11 Civ. 3065 (PAC)
(Request for Adjournment of Inquest)**

Dear Judge Crotty:

We represent Bank of America, N.A. in the above referenced matter. We write with the consent of plaintiff's, Orbital Publishing Group, Inc.'s, counsel.

Kindly find enclosed a copy of a proposed Stipulation and Order, which has been submitted to the Clerk of the Court, requesting, inter alia, an adjournment of an inquest scheduled for September 14, 2012.

Although this is the parties' third request for an adjournment, we are respectfully requesting the time so that the parties may finalize a written settlement agreement. Once that agreement is completed, we expect that all outstanding issues, including the disbursement of funds on deposit with the Clerk of the Court, will be resolved and the case closed.

Accordingly, we respectfully request a 30-day adjournment of the inquest and related dates so as to give the parties sufficient time to finalize their written agreement.

ZEICHNER ELLMAN & KRAUSE LLP

Hon. Paul A. Crotty, U.S.D.J.
September 13, 2012
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This is the third request for adjournment of these dates. The original date for the inquest was May 24, 2012.

Respectfully yours,



Tracee E. Davis

Enclosure

cc: David P. Lennon, Esq. (by email w/attachment)
David B. Chenkin, Esq. (by email w/attachment)